



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/209,454 12/11/98 TANAKA

H 88125/ASAHI

TM02/0207

EXAMINER

JEFFREY A WYAND  
LEYDIG VOIT & MAYER  
SUITE 300  
700 THIRTEENTH STREET N W  
WASHINGTON DC 20005

LASTRA, D

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED:

02/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/209,454	TANAKA ET AL.
	Examiner	Art Unit
	DANIEL LASTRA	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

19) Notice of Informal Patent Application (PTO-152)

20) Other: \_\_\_\_\_.

1. Claims 1-14 have been examined.

*Drawings*

2. The drawings are objected to because of the following grammatical errors.

Figure 7, item 54, instead of "campany" should read "company". Figure 8, "continueing" should read "continuing" and "advantageonly" should read "advantageously". Fig. 9, "relamation" should read "reclamation"; "maitehance" should read "maintenance"; "issueing" should read "issuing"; "ageney" should read "agency"; "issmeing" should read "issuing"; "finawe" should read "finance"; "commerical" should read "commercial"; "cntrolling" should read "controlling".

Correction is required.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (U.S. 5,794,207) and further in view of Schlueter, Jr. et al (US 5,974,124).

As per claim 1, Walker et al teach:

"the plurality of information processing apparatuses each having a calculation processing means, a storage means, and a transmitting/receiving means" (see figures 1-4);

"the plurality of information processing apparatuses comprising at least one of a first information processing apparatus and a second information processing apparatus and a third information processing apparatus" (see figures 1-4);

Walker et al inherently teach "wherein the transmitting/receiving means of the first information processing apparatus is a means for transferring at least one information on registration number, specified department of ophthalmology contact lens price, contact lens care articles price and deadline for price payment from the first information processing apparatus to the second information processing apparatus and a means for transferring at least one information on registration number, name, age, sex and password from the first information processing apparatus to the third information processing apparatus". As columns 13-15 and figure 1 show, the seller and buyer transfer data like name, address, id, time, price, expiration date, where these databases are valuable in the event of disputes between buyers and sellers regarding payment. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to add storing and transferring prices and deadline for payments for different goods, (including contact lenses) to Walker et al.

"wherein the transmitting/receiving means of the second information processing apparatus is a means for transferring at least one information on application for contract from the second information processing apparatus to the first information processing apparatus" (see columns 13-16); and

Walker et al inherently teach "wherein the transmitting/receiving means of the third information processing apparatus is a means for transferring at least one

information on at least registration number, name, age, sex, selling date, contact lens information and eyeball diagnosis information from the third information processing apparatus to the first information processing apparatus." As columns 16-18 show that the central processor, where the third processing apparatus could be located, transmits data, such as status, subject, tracking number, timestamp, description of goods, price, expiration date, conditions, and buyer ID number to the seller, where the first processing apparatus could be located. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to know that if Walker et al can store and transmit the above data, it can also store and transmit other data, such as selling date and diagnosis information about different goods. In the applicant's case the data would have been the contact lenses.

As per claim 2, Walker et al show:

"wherein the information processing apparatus further has a displaying means, wherein the displaying means is one of a cathode ray tube and a liquid crystal displaying apparatus." (see item 330 of figure 3)

As per claim 3, Walker et al show:

"wherein the information processing apparatus further has an inputting means, wherein the inputting means is a key board, a scanner, a mouse or a bar code reader." (see items 345 and 445 of figures 3 and 4). Official notice is taken that it is old and well known in the computer art the input devices like keyboards, scanners, and mouse.

As per claim 4, Walker et al show:

“wherein the storing means is comprised of a read-only memory and a random access memory.” (see items 215, 220, 315, 415 and 420 of figures 2-4);

As per claim 5, Walker et al show:

“wherein the transmitting/receiving means is a modem.” (see items 350 and 450 of figures 3-4);

As per claim 6, Walker et al fail to teach:

“a network, plurality of processing apparatuses connected through the communication network, and a portable recording medium”;

“the plurality of information processing apparatuses having at least one of the means for writing data in the portable recording medium”;

“the means for reading data from the portable recording medium, the calculation processing means, the storing means and transmitting/receiving means”;

“the plurality of information processing apparatuses being divided into at least a first group and a second group for separate application”;

“the first group comprising an information processing apparatus installed in a facility related to the contact lens seller”;

“the second group comprising an information processing apparatus installed in specified department of ophthalmology”;

“the information processing apparatus including the second group stores at least one data on name, age, sex, date of diagnosis, eyeball diagnosis information of the contact lens user, contact lens information and contact lens selling date, obtained on the diagnosis results of the contact lens user in the department of ophthalmology where

the information processing apparatus included in the first group is installed, and transmits the date through the communication network to the information processing apparatus included in the first group";

"the information processing apparatus included in the first group processing and/or controlling the data, deciding the registration number based on the data, recording at least one of the data and the registration number in the portable recording medium, deciding the exchanging time of the contact lens based on the date of diagnosis and the contact lens selling date the kind of the contact lens, whereby the information on at least the contact lens exchanging time is fed to the contact lens user at the exchanging time of the contact lens."

Schlueter, Jr. et al teach:

"a network, plurality of processing apparatuses connected through the communication network, and a portable recording medium" (see figure 1, item 10);

"the plurality of information processing apparatuses having at least one of the means for writing data in the portable recording medium" (see figure 1, item 10 and abstract);

"the means for reading data from the portable recording medium, the calculation processing means, the storing means and transmitting/receiving means" (see figure 1, item 10 and abstract);

"the plurality of information processing apparatuses being divided into at least a first group and a second group for separate application" (see abstract);

Schlueter, Jr. et al inherently teach "the first group comprising an information processing apparatus installed in a facility related to the contact lens seller". The primary computer (see item 100 of figure 1) could have been installed in the contact lens seller office.

Schlueter, Jr. et al inherently teach "the second group comprising an information processing apparatus installed in specified department of ophthalmology". The remote computer (see item 50 of figure 1) could have been installed in the department of ophthalmology.

Schlueter, Jr. et al inherently teach "the information processing apparatus including the second group stores at least one data on name, age, sex, date of diagnosis, eyeball diagnosis information of the contact lens user, contact lens information and contact lens selling date, obtained on the diagnosis results of the contact lens user in the department of ophthalmology where the information processing apparatus included in the first group is installed, and transmits the date through the communication network to the information processing apparatus included in the first group". The abstract show that medical practitioners take medical reading of predetermined medically important variables and stored them as raw data in a receptacle such as a smart card or in a portable medical instrument. They can then input the data into a remote computer. The remote computer connects with a primary computer using communication connections and transmits the raw data to the primary computer system, which maintains a database of patients and their medical readings. Further, as lines 32-35 show, the connection can also be a direct network connection,

which may be desirable if the medical laboratory or medical practitioner's office is located in a larger medical institution, which owns and operates the primary computer system.

Schlueter, Jr. et al inherently teach "the information processing apparatus included in the first group processing and/or controlling the data, deciding the registration number based on the data, recording at least one of the data and the registration number in the portable recording medium, deciding the exchanging time of the contact lens based on the date of diagnosis and the contact lens selling date the kind of the contact lens, whereby the information on at least the contact lens exchanging time is fed to the contact lens user at the exchanging time of the contact lens." As the abstract shows, medical practitioners take medical readings of predetermined medically important variables. These readings are then stored as raw data in a receptacle such as a smart card or in a portable medical instrument and then input into a remote computer. Lines 53-65 of column 5 show, the received data consists of individual readings of medically important variables of patients. Obviously, different patients may be measured for different parameters or variables. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to know that Schlueter, Jr. et al could also read and store data such as dates of diagnosis and contact lens selling dates. This would allow determining the date when the contact lenses need replacement. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Schlueter, Jr. et al to store information about dates of diagnosis and contact lens selling dates.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made to modify Walker et al to include a portable device that records the date when contact lenses need replacement and thus reducing the risk of ocular complications.

As per claim 7, Walker et al fail to teach:

"wherein only the information processing apparatus included in the second group has a means of correcting the eyeball diagnosis information."

Schlueter, Jr. et al inherently teach that if the processing apparatus is installed in a department of ophthalmology, it would have been obvious to a person of ordinary skill in the art at the time the application was made to know that the eyeball diagnosis can be changed because the department of ophthalmology is the one that made the eye's diagnosis in the first place. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made that if Walker et al is used to sell contact lenses, the department of ophthalmology would be the one authorized to change the diagnosis.

As per claim 8, Walker et al fail to teach:

"wherein the portable recording medium can be used by the specific contact lens user."

Schlueter, Jr. et al inherently teach that patients can take their own readings using their own portable devices (see lines 45-49 of column 2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to know that the same portable recording medium could be used by a contact lens user to

record the date the contact lenses need to be replaced. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made to modify Walker et al to include a portable device use by a contact lens user.

As per claim 9, Walker et al fail to teach "wherein the portable recording medium have one password respectively."

Schlueter, Jr. et al teach a portable recording medium (see abstract). Official notice is taken that it is old and well known in the computer art to have portable recording medium with passwords. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a password to the Schlueter et al portable device for added security. Similarly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the feature of a password protected portable device to Walker et al.

As per claim 10, Walker et al fail to teach:

"wherein the plurality of information processing apparatuses can read data from all of the portable recording medium and write the data in all of the portable recording medium." However, Schlueter, Jr. et al teach "wherein the plurality of information processing apparatuses can read data from all of the portable recording medium and write the data in all of the portable recording medium." (see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made to modify Walker et al to include a portable recording device as Schlueter, Jr. et al.

As per claim 11, Walker et al teach:

"wherein the information processing apparatus further has a displaying means, wherein the displaying means is one of cathode ray tube and the liquid crystal displaying apparatus." (see item 330 and 430 of figure 3 and 4);

As per claim 12, Walker et al teach;

"wherein the information processing apparatus further has an input means, wherein the inputting means is a key board, a scanner, a mouse or a bar code reader." (see items 345 and 445 of figures 3 and 4). Official notice is taken that it is old and well known in the computer art the input devices like keyboards, scanners, and mouse.

As per claim 13, Walker et al teach;

"wherein the storing means is comprised of a read-only memory and a random access memory." (see items 215, 220, 315, 320, 415 and 420 of figures 2-4);

As per claim 14, Walker et al teach;

"wherein the transmitting/receiving means is a modem." (see item 350 and 450 of figure 3 and 4);

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dirbas teaches a computer system for providing a medical information log system.
- Iliff teaches a system and method for providing computerized knowledge-based medical diagnostic and treatment advice.

- o Bultman, Janis, Risky businesses, Forbes, Inc., March 21, 1988 teaches the company Replacement Lens Inc. that insures contact lenses.
- o Dziabo, Jr. et al teach a method for signaling a lens user when the user's lenses are overworn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES TRAMMELL can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-308-5357 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

D.L.  
Daniel Lastra  
February 1, 2001

JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100